

Practitioner's Docket No. CM-006C-US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey L. Anderson

Application No.: 10/718,173

Group No.: 1712

Filed: 11/19/2003

Examiner: Robert Sellers

For: NON-GELLED PRODUCT OF ADDITION AND CONDENSATION POLYMERS WITH  
MUTUALLY REACTIVE GROUPS (As Amended)

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

## Identification of Person(s) Making This Disclaimer

I, Neil E. Hamilton, represent that I am the attorney of record.

## DISCLAIMER

## (Obviousness-Type Double Patenting Rejection Over A Prior Patent)

The owner, JohnsonDiversey, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of Claims 2, 3, 10 and 52 in any patent granted on the instant application, which would extend beyond the expiration date of Patent Nos. 6,162,860,

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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I facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date: 16 November 2004

  
Judith A. White

\* Only the date of filing (a 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under a 1.8 continues to be taken into account in determining timeliness. See a 1.703(f). Consider "Express Mail Post Office to Addressee" (a 1.10) or facsimile transmission (a 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2

**U.S. Serial No. 10/718,173**  
Examiner: Robert Sellers  
Art Unit No.: 1712  
Page 2 of 2

**Atty. Docket No.: CM-006C-US**

6,194,510 and 6,372,841, as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of Claims 2, 3, 10 and 52 of the patents forming the basis of the double patenting rejection, namely, Patent Nos. 6,162,860, 6,194,510 and 6,372,841, as presently shortened by any terminal disclaimer, in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to expiration of their full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Other than a small entity—fee \$110.00.


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Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: 16 November 2004

  
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Terminal Disclaimer to Obviate a Double Patenting Rejection—page 2 of 2

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